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| 09/622,656 | 10/30/2000 | Takako Hirose | 32911 | 2705 |

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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/622,656
Filing Date: October 30, 2000
Appellant(s): HIROSE ET AL.

Aaron A. Fishman
For Appellant

EXAMINER'S ANSWER

1. This is in response to the appeal brief filed 6/5/06 appealing from the Office action mailed 2/4/05.

Real Party In Interest

2. The appellants' statement of the real party in interest contained in the brief is correct.

Related Appeals and Interferences

3. The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

Status of Claims

4. The statement of the status of claims contained in the brief is correct.

Summary of Claimed Subject Matter

5. The summary of claimed subject matter contained in the brief is correct.

Grounds of Rejection to be Reviewed on Appeal

6. The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

Claims Appendix

7. The copy of the appealed claims contained in the Appendix to the brief is correct.

Evidence Relied Upon

8. Wang et al. US 6,314,454 and Bulfer et al. US 6,175,858.

Grounds of Rejection

9. The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (US 6,314,454), in view of Bulfer et al. (US 6,175,858).

As per claim 1, Wang teaches the invention substantially as claimed including a message delivery system having a client system acquiring a delivery message from a server unit by requesting to transmit the delivery message in the server unit in compliance with a notification from the server unit [col. 6, lines 45-55],

wherein the client system includes a received message storing means for storing delivery message information received from the server unit, and a process instructing request for the delivery message whose reception is completed when reception of the delivery message from the server unit is completed [col. 6, lines 55-58], and

wherein the server unit includes a delivery message storing means for storing the delivery message to be transmitted to the client system [180, Fig. 1], and message processing means for transmitting message stored in the delivery message storing means to the client system in compliance with a request from the client system and then [col. 6, lines 45-55] and processing the delivery message whose reception is completed [col. 6, lines 55-60].

Wang does not specifically teach the step of sending notification to the client in response to arrival of the succeeding message at the server. However, Bulfer on the other hand teaches the step of sending notification to the client in response to arrival of the succeeding message at the server [col. 2, lines 44-51]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the

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teaching of Wang and Bulfer because doing so would increase the efficiency of the system by enabling the user being acknowledged for a new message arriving the server and retrieving the message without delay. One of ordinary skill in the art would have been motivated to modify Wang's system with Bulfer's notification step to improve the integrity of the system.

Wang does not specifically teach the step of informing the server unit by the client for a succeeding message acquiring request if a succeeding message is present. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a succeeding message request step in Wang's system because doing so would bring the convenience to user by allowing the user request a expect coming message instead of waiting a notification from the server. One of ordinary skill in the art would have been motivated to modify Wang's system with the request step to improve the functionality of the system.

As per claim 2, Wang teaches the message processing means deletes the delivery message, which is informed by the client system and whose reception is completed, from the delivery message storing means in compliance with an instruction from the client system [col. 6, lines 55-60].

As per claim 3, Wang teaches the server unit holds the delivery message stored in the delivery message storing means until its deletion is instructed by the client

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system, and then transmits the same delivery message once again when it receives an acquiring request from the client system [col. 7, lines 25-26].

As per claim 4, Wang teaches the server unit further includes a processed message storing means for storing the messages delivered to the client system, and wherein, by instructing to move from the delivery message storing means of the server unit as the process for the delivery message whose reception is completed, the message processing means moves the delivery message, which is informed by the client system and whose reception is completed, from the delivery message storing means to the processed message storing means in compliance with an instruction from the client system [col. 7, lines 25-26 & 31-39].

As per claim 5, Wang teaches the server unit holds the delivery message stored in the delivery message storing means until its movement is instructed by the client system, and then transmits the same delivery message once again when it receives an acquiring request from the client system [col. 7, lines 25-26].

As per claim 6, Wang teaches a message instruction requesting means for informing the server unit of only a process instruction request for the delivery message whose reception is completed when there is no succeeding message [col. 7, lines 23-25].

Response to Argument

10. The examiner summarizes the various points raised by the appellant and addresses replies individually.

In the Appeal Brief filed on September 2, 2005, appellant argued in substance that:

- a) Bulfer does not disclose the step of "sending said notification to the client system in response to arrival of the succeeding message at the server";
- b) the user in Bulfer's system cannot be considered as a client system.

In reply to argument a), Bulfer discloses the step of sending notification to the client system (i.e., user) in response to arrival of the succeeding message at the server [col. 2, lines 44-51]. Furthermore, the notification method not only includes paging the user or calling the user at a designated number, but also includes leaving a notification message to the user in the mailbox of the source system (col. 2, lines 53-55), i.e., Bulfer's notification procedure is the same as claimed set forth in claim 1. Thus, Bulfer does teach the step of sending a notification to the client system in response of a message.

In reply to argument b), the user (or user computer) in the Bulfer's system has capabilities of requesting, acquiring and storing messages (col. 3, lines 21-36), i.e., it is a client system as claimed in claim 1. Thus, Bulfer's client system has the same capabilities as the client system set forth in the claims.

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Related Proceeding(s) Appendix

11. The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.
12. For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,

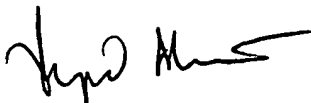

Jinsong Hu

September 14, 2006


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